

109TH CONGRESS  
1ST SESSION

# H. R. 1704

To reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 2005

Mr. PORTMAN (for himself, Mr. DAVIS of Illinois, Mr. COBLE, Mrs. JONES of Ohio, Mr. CHABOT, Mr. CUMMINGS, Mr. CANNON, Ms. HARRIS, Mr. TOM DAVIS of Virginia, Mr. EHLERS, Mr. GILCHREST, Ms. LEE, Mr. OWENS, Mr. SHIMKUS, Ms. SOLIS, Mr. WYNN, Mr. BACHUS, Mr. SHAYS, Mr. PAYNE, Mr. RUPPERSBERGER, Mr. FORD, Mrs. JOHNSON of Connecticut, Mr. WESTMORELAND, Mr. BERMAN, Mr. RANGEL, Ms. WOOLSEY, Mr. KENNEDY of Rhode Island, Ms. KAPTUR, and Ms. JACKSON-LEE of Texas) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Second Chance Act  
3 of 2005: Community Safety Through Recidivism Preven-  
4 tion” or the “Second Chance Act of 2005”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) In 2002, 2,000,000 people were incarcer-  
8 ated in Federal or State prisons or in local jails.  
9 Nearly 650,000 people are released from incarcer-  
10 ation to communities nationwide each year.

11 (2) There are over 3,200 jails throughout the  
12 United States, the vast majority of which are oper-  
13 ated by county governments. Each year, these jails  
14 will release in excess of 10,000,000 people back into  
15 the community.

16 (3) Nearly two-thirds of released State pris-  
17 oners are expected to be rearrested for a felony or  
18 serious misdemeanor within three years after re-  
19 lease.

20 (4) In his 2004 State of the Union address,  
21 President Bush correctly stated: “We know from  
22 long experience that if [former prisoners] can’t find  
23 work, or a home, or help, they are much more likely  
24 to commit more crimes and return to prison. . . .  
25 America is the land of the second chance, and when

1 the gates of the prison open, the path ahead should  
2 lead to a better life.”

3 (5) In recent years, a number of States and  
4 local governments have begun to establish improved  
5 systems for reintegrating former prisoners. Under  
6 such systems, corrections officials begin to plan for  
7 a prisoner’s release while the prisoner is incarcerated  
8 and provide a transition to needed services in the  
9 community. After offenders are released, local gov-  
10 ernments and community agencies coordinate and  
11 provide a continuation of reentry services.

12 (6) Faith leaders and parishioners have a long  
13 history helping ex-offenders transform their lives.  
14 Through prison ministries and outreach in commu-  
15 nities, churches and faith-based organizations have  
16 pioneered reentry services to prisoners and their  
17 families.

18 (7) Successful reentry protects those who might  
19 otherwise be crime victims. It also improves the like-  
20 lihood that individuals released from prison or juve-  
21 nile detention facilities can pay fines, fees, restitu-  
22 tion, and provide family support.

23 (8) According to the Bureau of Justice Statis-  
24 tics, expenditures on corrections alone increased  
25 from \$9,000,000,000 in 1982 to \$44,000,000,000 in

1 1997. These figures do not include the cost of arrest  
2 and prosecution, nor do they take into account the  
3 cost to victims.

4 (9) Increased recidivism results in profound col-  
5 lateral consequences, including public health risks,  
6 homelessness, unemployment, and disenfranchise-  
7 ment.

8 (10) The high prevalence of infectious disease,  
9 substance abuse, and mental health disorders that  
10 has been found in incarcerated populations demands  
11 that a recovery model of treatment should be used  
12 for handling the more than two-thirds of all offend-  
13 ers with such needs.

14 (11) One of the most significant costs of pris-  
15 oner reentry is the impact on children, the weakened  
16 ties among family members, and destabilized com-  
17 munities. The long-term generational effects of mul-  
18 tiple family member involvement in the justice sys-  
19 tem and lack of role models presents a great risk to  
20 children.

21 (12) According to the 2001 national data from  
22 the Bureau of Justice Statistics, 3,500,000 parents  
23 were supervised by the correctional system. Prior to  
24 incarceration, 64 percent of female prisoners and 44

1       percent of male prisoners in State facilities lived  
2       with their children.

3           (13) Between 1991 and 1999, the number of  
4       children with a parent in a Federal or State correc-  
5       tional facility increased by more than 100 percent,  
6       from approximately 900,000 to approximately  
7       2,000,000. According to the Bureau of Prisons,  
8       there is evidence to suggest that inmates who are  
9       connected to their children and families are more  
10      likely to avoid negative incidents and have reduced  
11      sentences.

12          (14) Released prisoners cite family support as  
13      the most important factor in helping them stay out  
14      of prison. Research suggests that families are an  
15      often underutilized resource in the reentry process.

16          (15) Approximately 100,000 juveniles (ages 17  
17      and under) leave juvenile correctional facilities, State  
18      prison, or Federal prison each year. Juveniles re-  
19      leased from confinement still have their likely prime  
20      crime years ahead of them. Juveniles released from  
21      secure confinement have a recidivism rate ranging  
22      from 55 to 75 percent. The chances that young peo-  
23      ple will successfully transition into society improve  
24      with effective reentry and aftercare programs.

1           (16) Studies have shown that from 15 percent  
2           to 27 percent of prisoners expect to go to homeless  
3           shelters upon release from prison.

4           (17) The National Institute of Justice has  
5           found that after one year of release, up to 60 per-  
6           cent of former inmates are not employed.

7           (18) Fifty-seven percent of Federal and 70 per-  
8           cent of State inmates used drugs regularly before  
9           prison, with some estimates of involvement with  
10          drugs or alcohol around the time of the offense as  
11          high as 84 percent (BJS Trends in State Parole,  
12          1990–2000).

13          (19) According to the Bureau of Justice Statis-  
14          tics, 60 to 83 percent of the Nation’s correctional  
15          population have used drugs at some point in their  
16          lives. This is twice the estimated drug use of the  
17          total United States population of 40 percent.

18          (20) Family-based treatment programs have  
19          proven results for serving the special population of  
20          female offenders and substance abusers with chil-  
21          dren. An evaluation by the Substance Abuse and  
22          Mental Health Services Administration of family-  
23          based treatment for substance abusing mothers and  
24          children found that at six months post treatment, 60  
25          percent of the mothers remain alcohol and drug free,

1 and drug related offenses declined from 28 to 7 per-  
2 cent. Additionally, a 2003 evaluation of residential  
3 family based treatment programs revealed that 60  
4 percent of mothers remained clean and sober six  
5 months after treatment, criminal arrests declined by  
6 43 percent, and 88 percent of the children treated  
7 in the program with their mothers remain stabilized.

8 (21) A Bureau of Justice Statistics analysis in-  
9 dicated that only 33 percent of Federal and 36 per-  
10 cent of State inmates had participated in residential  
11 inpatient treatment programs for alcohol and drug  
12 abuse 12 months before their release. Further, over  
13 one-third of all jail inmates have some physical or  
14 mental disability and 25 percent of jail inmates have  
15 been treated at some time for a mental or emotional  
16 problem.

17 (22) According to the National Institute of Lit-  
18 eracy, 70 percent of all prisoners function at the two  
19 lowest literacy levels.

20 (23) The Bureau of Justice Statistics has found  
21 that 27 percent of Federal inmates, 40 percent of  
22 State inmates, and 47 percent of local jail inmates  
23 have never completed high school or its equivalent.  
24 Furthermore, the Bureau of Justice Statistics has  
25 found that less educated inmates are more likely to

1 be recidivists. Only 1 in 4 local jails offer basic adult  
2 education programs.

3 (24) Participation in State correctional edu-  
4 cation programs lowers the likelihood of reincarcer-  
5 ation by 29 percent, according to a recent United  
6 States Department of Education study. A Federal  
7 Bureau of Prisons study found a 33 percent drop in  
8 recidivism among federal prisoners who participated  
9 in vocational and apprenticeship training.

10 **SEC. 3. REAUTHORIZATION OF ADULT AND JUVENILE OF-**  
11 **FENDER STATE AND LOCAL REENTRY DEM-**  
12 **ONSTRATION PROJECTS.**

13 (a) ADULT AND JUVENILE OFFENDER DEMONSTRA-  
14 TION PROJECTS AUTHORIZED.—Section 2976 of the Om-  
15 nibus Crime Control and Safe Streets Act of 1968 (42  
16 U.S.C. 3797w) is amended in subsection (b) by striking  
17 paragraphs (1) through (4) and inserting the following  
18 new paragraphs:

19 “(1) establishing or improving the system or  
20 systems under which—

21 “(A) the correctional agency of the State  
22 or local government develops and carries out  
23 plans to facilitate the reentry into the commu-  
24 nity of each offender in State or local custody;



1           “(B) the supervision and services provided  
2           to offenders in State or local custody are co-  
3           ordinated with the supervision and services pro-  
4           vided to offenders after reentry into the com-  
5           munity;

6           “(C) the efforts of various public and pri-  
7           vate entities to provide supervision and services  
8           to offenders after reentry into the community,  
9           and to family members of such offenders, are  
10          coordinated; and

11          “(D) offenders awaiting reentry into the  
12          community are provided with documents (such  
13          as identification papers, referrals to services,  
14          medical prescriptions, job training certificates,  
15          apprenticeship papers, and information on ob-  
16          taining public assistance) useful in achieving a  
17          successful transition from prison;

18          “(2) carrying out programs and initiatives by  
19          units of local government to strengthen reentry serv-  
20          ices for individuals released from local jails;

21          “(3) enabling prison mentors of offenders to re-  
22          main in contact with those offenders, including  
23          through the use of such technology as  
24          videoconferencing, during incarceration and after re-

1 entry into the community and encouraging the in-  
2 volvement of prison mentors in the reentry process;

3 “(4) providing structured post-release housing  
4 and transitional housing, including group homes for  
5 recovering substance abusers, through which offend-  
6 ers are provided supervision and services imme-  
7 diately following reentry into the community;

8 “(5) assisting offenders in securing permanent  
9 housing upon release or following a stay in transi-  
10 tional housing;

11 “(6) providing continuity of health services (in-  
12 cluding screening, assessment, and aftercare for  
13 mental health services, substance abuse treatment  
14 and aftercare, and treatment for contagious dis-  
15 eases) to offenders in custody and after reentry into  
16 the community;

17 “(7) providing offenders with education, job  
18 training, English as a second language programs,  
19 work experience programs, self-respect and life skills  
20 training, and other skills useful in achieving a suc-  
21 cessful transition from prison;

22 “(8) facilitating collaboration among corrections  
23 and community corrections, technical schools, com-  
24 munity colleges, and the workforce development and  
25 employment service sectors to—

1           “(A) promote, where appropriate, the em-  
2           ployment of people released from prison and  
3           jail, through efforts such as educating employ-  
4           ers about existing financial incentives and facili-  
5           tate the creation of job opportunities, including  
6           transitional jobs, for this population that will  
7           benefit communities;

8           “(B) connect inmates to employment, in-  
9           cluding supportive employment and employment  
10          services, before their release to the community  
11          and identify labor market needs to ensure edu-  
12          cation and training are appropriate; and

13          “(C) addressing barriers to employment,  
14          including licensing;

15          “(9) providing literacy and educational service  
16          for offenders;

17          “(10) systems under which family members of  
18          offenders are involved in facilitating the successful  
19          reentry of those offenders into the community, in-  
20          cluding removing obstacles to the maintenance of  
21          family relationships while the offender is in custody,  
22          strengthening the family’s capacity to function as a  
23          stable living situation during reentry where appro-  
24          priate, and involving family members in the planning  
25          and implementation of the reentry process;

1           “(11) programs under which victims are in-  
2           cluded, on a voluntary basis, in the reentry process;

3           “(12) programs that facilitate visitation and  
4           maintenance of family relationships with respect to  
5           offenders in custody by addressing obstacles such as  
6           travel, telephone costs, mail restrictions, and restric-  
7           tive visitation policies;

8           “(13) identifying and addressing barriers to col-  
9           laborating with child welfare agencies in the provi-  
10          sion of services jointly to offenders in custody and  
11          to the children of such offenders;

12          “(14) carrying out programs that support chil-  
13          dren of incarcerated parents, including those in fos-  
14          ter care and those cared for by grandparents or  
15          other relatives, commonly referred to as kinship  
16          care, including mentoring children of prisoners pro-  
17          grams;

18          “(15) carrying out programs for the entire fam-  
19          ily unit, including the coordination of service delivery  
20          across agencies;

21          “(16) implementing programs in correctional  
22          agencies to include the collection of information re-  
23          garding any dependent children of an incarcerated  
24          person as part of intake procedures, including the  
25          number of children, age, and location or jurisdiction,

1 and connect identified children with services as ap-  
2 propriate and needed;

3 “(17) creating, developing, or enhancing pris-  
4 oner and family assessments curricula, policies, pro-  
5 cedures, or programs (including mentoring pro-  
6 grams) to help prisoners with a history or identified  
7 risk of domestic violence, dating violence, sexual as-  
8 sault, or stalking;

9 “(18) developing programs and activities that  
10 support parent-child relationships as appropriate to  
11 the health and wellbeing of the child, including the  
12 use of technology.

13 “(19) expanding family-based treatment (which  
14 consists of programs that provide evidence-based  
15 treatment services in tandem with other human serv-  
16 ices to parents and children as a unit) centers that  
17 offer family-based comprehensive treatment services  
18 for parents and their children as a complete family  
19 unit;

20 “(20) conducting studies to determine who is  
21 returning to prison or jail and which of those return-  
22 ing prisoners represent the greatest risk to commu-  
23 nity safety;

1           “(21) developing or adopting procedures to en-  
2           sure that dangerous felons are not released from  
3           prison prematurely;

4           “(22) developing and implementing procedures  
5           to assist relevant authorities in determining when re-  
6           lease is appropriate and in the use of data to inform  
7           the release decision;

8           “(23) developing and implementing procedures  
9           to identify efficiently and effectively those violators  
10          of probation or parole who should be returned to  
11          prison;

12          “(24) utilizing validated assessment tools to as-  
13          sess the risk factors of returning inmates and  
14          prioritizing services based on risk;

15          “(25) facilitating and encouraging timely and  
16          complete payment of restitution and fines by ex-of-  
17          fenders to victims and the community;

18          “(26) establishing or expanding the use of re-  
19          entry courts to—

20                  “(A) monitor offenders returning to the  
21                  community;

22                  “(B) provide returning offenders with—

23                          “(i) drug and alcohol testing and  
24                          treatment; and

1 “(ii) mental and medical health as-  
2 sessment and services;

3 “(C) facilitate restorative justice practices  
4 and convene family or community impact pan-  
5 els, family impact educational classes, victim  
6 impact panels, or victim impact educational  
7 classes;

8 “(D) provide and coordinate the delivery of  
9 other community services to offenders, includ-  
10 ing—

11 “(i) housing assistance;

12 “(ii) education;

13 “(iii) employment training;

14 “(iv) children and family support;

15 “(v) conflict resolution skills training;

16 “(vi) family violence intervention pro-  
17 grams;

18 “(vii) other appropriate social serv-  
19 ices; and

20 “(viii) culturally and linguistically  
21 competent services where appropriate; and

22 “(E) establish and implement graduated  
23 sanctions and incentives;

24 “(27) providing technology and other tools to  
25 advance post release supervision; and

1           “(28) studying and improving the collection of  
2       data with respect to, individuals whose supervised  
3       release is revoked and which such individuals rep-  
4       resent the greatest risk to community safety.”.

5       (b)    JUVENILE    OFFENDER    DEMONSTRATION  
6 PROJECTS REAUTHORIZED.—Such section is further  
7 amended in subsection (c) by striking “may be expended  
8 for” and all that follows through the period at the end  
9 and inserting “may be expended for any activity referred  
10 to in subsection (b).”.

11       (c)    APPLICATIONS; PRIORITIES; PERFORMANCE  
12 MEASUREMENTS.—Such section is further amended—

13           (1) by redesignating subsection (h) as sub-  
14       section (o); and

15           (2) by striking subsections (d) through (g) and  
16       inserting the following new subsections:

17       “(d) APPLICATIONS.—A State, unit of local govern-  
18       ment, territory, or Indian tribe, or combination thereof de-  
19       siring a grant under this section shall submit an applica-  
20       tion to the Attorney General that—

21           “(1) contains a reentry strategic plan, which  
22       describes the long-term strategy, and a detailed im-  
23       plementation schedule, including the jurisdiction’s  
24       plans to pay for the program after the Federal fund-  
25       ing is discontinued;



1           “(2) identifies the local government role and  
2           the role of governmental agencies and nonprofit or-  
3           ganizations that will be coordinated by, and collabo-  
4           rate on, the applicant’s prisoner reentry strategy  
5           and certifies their involvement; and

6           “(3) describes the methodology and outcome  
7           measures that will be used in evaluating the pro-  
8           gram.

9           “(e) PRIORITY CONSIDERATION.—The Attorney Gen-  
10          eral shall give priority to grant applications that best—

11           “(1) focus initiative on geographic areas with a  
12           high population of ex-offenders;

13           “(2) include partnerships with nonprofit organi-  
14           zations;

15           “(3) provide consultations with crime victims  
16           and former incarcerated prisoners and their families;

17           “(4) review the process by which the State and  
18           local governments adjudicates violations of parole or  
19           probation or supervised release and consider reforms  
20           to maximize the use of graduated, community-based  
21           sanctions for minor and technical violations of parole  
22           or supervised release;

23           “(5) establish pre-release planning procedures  
24           for prisoners to ensure that a prisoner’s eligibility  
25           for Federal or State benefits (including Medicaid,

1 Medicare, Social Security, and Veterans benefits)  
2 upon release is established prior to release, subject  
3 to any limitations in law, and to ensure that pris-  
4 oners are provided with referrals to appropriate so-  
5 cial and health services or are linked to appropriate  
6 nonprofit organizations; and

7 “(6) target high-risk offenders for reentry pro-  
8 grams through validated assessment tools.

9 “(f) REQUIREMENTS.—The Attorney General may  
10 make a grant to an applicant only if the application—

11 “(1) reflects explicit support of the chief execu-  
12 tive officer of the State or unit of local government,  
13 territory, or Indian tribe applying for a grant under  
14 this section;

15 “(2) provides extensive discussion of the role of  
16 State corrections departments, community correc-  
17 tions agencies, juvenile justice systems, or local jail  
18 systems in ensuring successful reentry of ex-offend-  
19 ers into their communities;

20 “(3) provides extensive evidence of collaboration  
21 with State and local government agencies overseeing  
22 health, housing, child welfare, education, substance  
23 abuse, and employment services, and local law en-  
24 forcement;

1           “(4) provides a plan for analysis of existing  
2       State, local, territorial, and tribal statutory, regula-  
3       latory, rules-based, and practice-based hurdles to a  
4       prisoner’s reintegration into the community that—

5           “(A) takes particular note of and makes  
6       recommendations with respect to laws, regula-  
7       tions, rules, and practices that: disqualify  
8       former prisoners from obtaining professional li-  
9       censes or other requirements necessary for cer-  
10      tain types of employment, and that hinder full  
11      civic participation; and

12          “(B) identifies and makes recommenda-  
13      tions with respect to those laws, regulations,  
14      rules, or practices that are not directly con-  
15      nected to the crime committed and the risk that  
16      the ex-offender presents to the community; and

17          “(5) includes the use of a State, tribal, terri-  
18      torial, or local task force to carry out the activities  
19      funded under the grant.

20      “(g) USES OF GRANT FUNDS.—

21          “(1) FEDERAL SHARE.—The Federal share of a  
22      grant received under this section may not exceed 75  
23      percent of the project funded under the grant, unless  
24      the Attorney General—

1           “(A) waives, in whole or in part, the re-  
2           quirement of this paragraph; and

3           “(B) publicly delineates the rationale for  
4           the waiver.

5           “(2) SUPPLEMENT NOT SUPPLANT.—Federal  
6           funds received under this section shall be used to  
7           supplement, not supplant, non-Federal funds that  
8           would otherwise be available for the activities funded  
9           under this section.

10          “(h) REENTRY STRATEGIC PLAN.—

11           “(1) As a condition of receiving financial assist-  
12           ance under this section, each applicant shall develop  
13           a comprehensive strategic reentry plan that contains  
14           measurable annual and 5- to 10-year performance  
15           outcomes. The plan shall have as a goal to reduce  
16           the rate of recidivism of incarcerated persons served  
17           with funds from this section within the State by 50  
18           percent over a period of 10 years.

19           “(2) In developing reentry plans under this sub-  
20           section, applicants shall coordinate with communities  
21           and stakeholders, including the fields of public safe-  
22           ty, corrections, housing, health, education, substance  
23           abuse, children and families, employment, business  
24           and members of nonprofit organizations that provide  
25           reentry services.

1           “(3) Each reentry plan developed under this  
2           subsection shall measure the applicant’s progress to-  
3           ward increasing public safety by reducing rates of  
4           recidivism and enabling released offenders to transi-  
5           tion successfully back into their communities.

6           “(i) REENTRY TASK FORCE.—As a condition of re-  
7           ceiving financial assistance under this section, each State,  
8           territory, tribal, or local government receiving a grant  
9           shall establish or use a Reentry Task Force or other rel-  
10          evant convening authority to examine ways to pool existing  
11          resources and funding streams to promote lower recidi-  
12          vism rates for returning prisoners and to minimize the  
13          harmful effects of incarceration on families and commu-  
14          nities by collecting data and best practices in offender re-  
15          entry from demonstration grantees and other agencies and  
16          organizations. The task force or other authority shall be  
17          comprised of relevant State, tribal, territorial, or local  
18          leaders, agencies, service providers, nonprofit organiza-  
19          tions, or stakeholders. Include a public participating com-  
20          ponent in the task force. If a task force or similar entity  
21          already exists, use that body to work on the above tasks.

22          “(j) STRATEGIC PERFORMANCE OUTCOMES.—

23                 “(1) Each applicant shall identify specific per-  
24                 formance outcomes related to the long-term goals of  
25                 increasing public safety and reducing recidivism.

1           “(2) The performance outcomes identified  
2           under paragraph (1) shall include, with respect to  
3           offenders released back into the community—

4                   “(A) recommitment rates;

5                   “(B) reduction in crime;

6                   “(C) employment and education;

7                   “(D) violations of conditions of supervised  
8           release;

9                   “(E) child support;

10                  “(F) housing;

11                  “(G) drug and alcohol abuse; and

12                  “(H) participation in mental health serv-  
13           ices.

14           “(3) States may also report on other activities  
15           that increase the success rates of offenders who  
16           transition from prison, such as programs that foster  
17           effective risk management and treatment program-  
18           ming, offender accountability, and community and  
19           victim participation.

20           “(4) Applicants should coordinate with commu-  
21           nities and stakeholders about the selection of per-  
22           formance outcomes identified by the applicants and  
23           with the Department of Justice for assistance with  
24           data collection and measurement activities.

1           “(5) Each grantee shall submit an annual re-  
2       port to the Department of Justice that—

3           “(A) identifies the grantee’s progress to-  
4       ward achieving its strategic performance out-  
5       comes; and

6           “(B) describes other activities conducted  
7       by the grantee to increase the success rates of  
8       the reentry population.

9       “(k) PERFORMANCE MEASUREMENT.—

10           “(1) The Department of Justice shall, in con-  
11       sultation with the States—

12           “(A) identify primary and secondary  
13       sources of information to support the measure-  
14       ment of the performance indicators identified  
15       under this section;

16           “(B) identify sources and methods of data  
17       collection in support of performance measure-  
18       ment required under this section;

19           “(C) provide to all grantees technical as-  
20       sistance and training on performance measures  
21       and data collection for purposes of this section;  
22       and

23           “(D) coordinate with the Substance Abuse  
24       and Mental Health Services Administration on  
25       strategic performance outcome measures and

1 data collection for purposes of this section relat-  
2 ing to substance abuse and mental health.

3 “(2) The Department of Justice shall coordi-  
4 nate with other Federal agencies to identify national  
5 sources of information to support State performance  
6 measurement.

7 “(1) FUTURE ELIGIBILITY.—To be eligible to receive  
8 a grant under this section for fiscal years after the first  
9 receipt of such a grant, a State shall submit to the Attor-  
10 ney General such information as is necessary to dem-  
11 onstrate that—

12 “(1) the State has adopted a reentry plan that  
13 reflects input from nonprofit organizations;

14 “(2) the State’s reentry plan includes perform-  
15 ance measures to assess the State’s progress toward  
16 increasing public safety by reducing by 10 percent  
17 over the 2-year period the rate at which individuals  
18 released from prison who participate in the reentry  
19 system supported by Federal funds are recommitted  
20 to prison; and

21 “(3) the State will coordinate with the Depart-  
22 ment of Justice, nonprofit organizations, and other  
23 experts regarding the selection and implementation  
24 of the performance measures described in subsection  
25 (k).



1       “(m) NATIONAL ADULT AND JUVENILE OFFENDER  
2 REENTRY RESOURCE CENTER.—

3           “(1) The Attorney General may, using amounts  
4 made available to carry out this subsection, make a  
5 grant to an eligible organization to provide for the  
6 establishment of a National Adult and Juvenile Of-  
7 fender Reentry Resource Center.

8           “(2) An organization eligible for the grant  
9 under paragraph (1) is any national nonprofit orga-  
10 nization approved by the Federal task force estab-  
11 lished under the Second Chance Act of 2005 that  
12 represents, provides technical assistance and train-  
13 ing to, and has special expertise and broad, national-  
14 level experience in offender reentry programs, train-  
15 ing, and research.

16           “(3) The organization receiving the grant shall  
17 establish a National Adult and Juvenile Offender  
18 Reentry Resource Center to—

19           “(A) provide education, training, and tech-  
20 nical assistance for States, local governments,  
21 service providers, nonprofit organizations, and  
22 corrections institutions;

23           “(B) collect data and best practices in of-  
24 fender reentry from demonstration grantees and  
25 others agencies and organizations;

1           “(C) develop and disseminate evaluation  
2           tools, mechanisms, and measures to better as-  
3           sess and document coalition performance meas-  
4           ures and outcomes;

5           “(D) disseminate knowledge to States and  
6           other relevant entities about best practices, pol-  
7           icy standards, and research findings;

8           “(E) develop and implement procedures to  
9           assist relevant authorities in determining when  
10          release is appropriate and in the use of data to  
11          inform the release decision;

12          “(F) develop and implement procedures to  
13          identify efficiently and effectively those violators  
14          of probation or parole who should be returned  
15          to prison and those who should receive other  
16          penalties based on defined, graduated sanctions;

17          “(G) collaborate with the Federal task  
18          force established under the Second Chance Act  
19          of 2005 and the Federal Resource Center for  
20          Children of Prisoners;

21          “(H) develop a national research agenda;  
22          and

23          “(I) bridge the gap between research and  
24          practice by translating knowledge from research  
25          into practical information.

1           “(4) Of amounts made available to carry out  
2           this section, not more than 4 percent shall be avail-  
3           able to carry out this subsection.

4           “(n) FEDERAL RESOURCE CENTER FOR CHILDREN  
5 OF PRISONERS.—There are authorized to be appropriated  
6 for each of fiscal years 2006 and 2007, such sums as may  
7 be necessary for the continuing activities of the Federal  
8 Resource Center for Children of Prisoners, including re-  
9 view of policies and practices of State and Federal correc-  
10 tions to support parent-child relationships. Funds shall be  
11 transmitted to the Secretary of Health and Human Serv-  
12 ices to work in collaboration with the Department of Jus-  
13 tice for program administration.

14          “(o) ADMINISTRATION.—Of amounts made available  
15 to carry out this section, not more than 2 percent shall  
16 be available for administrative expenses in carrying out  
17 this section.”.

18          (d) AUTHORIZATION OF APPROPRIATIONS.—Such  
19 section is further amended in paragraph (1) of subsection  
20 (o) (as redesignated by subsection (c)) by striking “and  
21 \$16,000,000 for fiscal year 2005” and inserting  
22 “\$40,000,000 for fiscal year 2006, and \$40,000,000 for  
23 fiscal year 2007”.

1 **SEC. 4. TASK FORCE ON FEDERAL PROGRAMS AND ACTIVI-**  
2 **TIES RELATING TO REENTRY OF OFFENDERS.**

3 (a) TASK FORCE REQUIRED.—The Attorney General,  
4 in consultation with the Secretary of Housing and Urban  
5 Development, the Secretary of Labor, the Secretary of  
6 Education, the Secretary of Health and Human Services,  
7 the Secretary of Veterans Affairs, the Secretary of Agri-  
8 culture, and the heads of such other elements of the Fed-  
9 eral Government as the Attorney General considers appro-  
10 priate, and in collaboration with stakeholders, service pro-  
11 viders, nonprofit organizations, States, and local govern-  
12 ments, shall establish an interagency task force on Federal  
13 programs and activities relating to the reentry of offenders  
14 into the community.

15 (b) DUTIES.—The task force required by subsection  
16 (a) shall—

17 (1) identify such programs and activities that  
18 may be resulting in overlapping or duplication of  
19 services, the scope of such overlapping or duplica-  
20 tion, and the relationship of such overlapping and  
21 duplication to public safety, public health, and effec-  
22 tiveness and efficiency;

23 (2) identify methods to improve collaboration  
24 and coordination of such programs and activities;

25 (3) identify areas of responsibility in which im-  
26 proved collaboration and coordination of such pro-

grams and activities would result in increased effectiveness or efficiency;

(4) develop innovative interagency or intergovernmental programs, activities, or procedures that would improve outcomes of reentering offenders and children of offenders;

(5) develop methods for increasing regular communication that would increase interagency program effectiveness;

(6) identify areas of research that can be coordinated across agencies with an emphasis on applying science-based practices to support, treatment, and intervention programs for reentering offenders;

(7) identify funding areas that should be coordinated across agencies and any gaps in funding; and

(8) in collaboration with the National Adult and Juvenile Offender Reentry Resources Center identify successful programs currently operating and collect best practices in offender reentry from demonstration grantees and other agencies and organizations, determine the extent to which such programs and practices can be replicated, and make information on such programs and practices available to States, localities, nonprofit organizations, and others.

1       (c) REPORT.—Not later than 1 year after the date  
2 of the enactment of this Act, the task force required by  
3 subsection (a) shall submit a report, including rec-  
4 ommendations, to Congress on barriers to reentry. The re-  
5 port shall identify Federal and other barriers to successful  
6 reentry of offenders into the community and analyze the  
7 effects of such barriers on offenders and on children and  
8 other family members of offenders, including—

9           (1) admissions and evictions from Federal hous-  
10       ing programs;

11          (2) child support obligations and procedures;

12          (3) Social Security benefits, Veterans benefits,  
13       food stamps, and other forms of Federal public as-  
14       sistance;

15          (4) Medicaid and Medicare procedures, require-  
16       ments, regulations, and guidelines;

17          (5) education programs, financial assistance,  
18       and full civic participation;

19          (6) TANF program funding criteria and other  
20       welfare benefits;

21          (7) employment;

22          (8) reentry procedures, case planning, and tran-  
23       sitions of persons from the custody of the Federal  
24       Bureau of Prisons to a Federal parole or probation  
25       program or community corrections;

1           (9) laws, regulations, rules, and practices that  
2           may require a parolee to return to the same county  
3           that they were living in before their arrest and  
4           therefore prevent offenders from changing their set-  
5           ting upon release; and

6           (10) trying to establish pre-release planning  
7           procedures for prisoners to ensure that a prisoner's  
8           eligibility for Federal or State benefits (including  
9           Medicaid, Medicare, Social Security and Veterans  
10          benefits) upon release is established prior to release,  
11          subject to any limitations in law; and to ensure that  
12          prisoners are provided with referrals to appropriate  
13          social and health services or are linked to appro-  
14          priate nonprofit organizations.

15          (d) ANNUAL REPORTS.—On an annual basis, the  
16          task force required by subsection (a) shall submit to Con-  
17          gress a report on the activities of the task force, including  
18          specific recommendations of the task force on matters re-  
19          ferred to in subsection (b).

20       **SEC. 5. OFFENDER REENTRY RESEARCH.**

21          (a) NATIONAL INSTITUTE OF JUSTICE.—From  
22          amounts made available to carry out this Act, the National  
23          Institute of Justice may conduct research on offender re-  
24          entry, including—

1           (1) a study identifying the number and charac-  
2           teristics of children who have had a parent incarcer-  
3           ated and the likelihood of these minors becoming in-  
4           volved in the criminal justice system some time in  
5           their lifetime;

6           (2) a study identifying a mechanism to compare  
7           rates of recidivism (including re-arrest, violations of  
8           parole and probation, and re-incarceration) among  
9           States; and

10          (3) a study on the population of individuals re-  
11          leased from custody who do not engage in recidivism  
12          and the characteristics (housing, employment, treat-  
13          ment, family connection) of that population.

14          (b) BUREAU OF JUSTICE STATISTICS.—From  
15          amounts made available to carry out this Act, the Bureau  
16          of Justice Statistics may conduct research on offender re-  
17          entry, including—

18               (1) an analysis of special populations, including  
19               prisoners with mental illness or substance abuse dis-  
20               orders, female offenders, juvenile offenders, limited  
21               English proficiency, and the elderly, that present  
22               unique reentry challenges;

23               (2) studies to determine who is returning to  
24               prison or jail and which of those returning prisoners  
25               represent the greatest risk to community safety;



1           (3) annual reports on the profile of the popu-  
2           lation coming out of prisons, jails, and juvenile jus-  
3           tice facilities;

4           (4) a national recidivism study every three  
5           years; and

6           (5) a study of parole violations and revocations.

7   **SEC. 6. CHILDREN OF INCARCERATED PARENTS AND FAMI-**  
8           **LIES.**

9           The Secretary of Health and Human Services may—

10           (1) review, and make available to States a re-  
11           port on any recommendations regarding, the role of  
12           State child protective services at the time of the ar-  
13           rest of a person; and

14           (2) by regulation, establish such services as the  
15           Secretary determines necessary for the preservation  
16           of families that have been impacted by the incarcer-  
17           ation of a family member.

18   **SEC. 7. ENCOURAGEMENT OF EMPLOYMENT OF FORMER**  
19           **PRISONERS.**

20           The Secretary of Labor shall take such steps as are  
21           necessary to implement a program, including but not lim-  
22           ited to the Employment and Training Administration, to  
23           educate employers about one-stop centers, existing incen-  
24           tives, including the Federal bonding program, for the hir-

1 ing of former Federal, State, or county prisoners and tax  
 2 credits.

3 **SEC. 8. CLARIFICATION OF AUTHORITY TO PLACE PRIS-**  
 4 **ONER IN COMMUNITY CORRECTIONS.**

5 (a) PLACE OF IMPRISONMENT.—Section 3621 of title  
 6 18, United States Code, is amended—

7 (1) by redesignating subsections (e) through (e)  
 8 as subsections (d) through (f), respectively; and

9 (2) by inserting after subsection (b) the fol-  
 10 lowing new subsection (c):

11 “(c) COMMUNITY CORRECTION FACILITIES.—For  
 12 purposes of designations made under this section, the  
 13 terms ‘place of the prisoner’s imprisonment’ and ‘available  
 14 penal or correctional facility’ do not include a community  
 15 corrections center, community treatment center, ‘halfway  
 16 house,’ or similar facility that does not confine residents  
 17 in the manner of a prison or jail.”.

18 (b) PRE-RELEASE CUSTODY.—Section 3624(c) of  
 19 title 18, United States Code, is amended—

20 (1) by striking “a reasonable part, not to ex-  
 21 ceed 6 months, of the last 10 per centum of the  
 22 term to be served” and inserting “a reasonable part  
 23 of the last 20 percent of the term to be served, not  
 24 to exceed 6 months”; and

1           (2) by inserting after “home confinement” the  
 2           following: “for the last 20 percent of the term to be  
 3           served, not to exceed 12 months”.

4 **SEC. 9. USE OF VIOLENT OFFENDER TRUTH-IN-SEN-**  
 5 **TENCING GRANT FUNDING FOR DEMONSTRA-**  
 6 **TION PROJECT ACTIVITIES.**

7           Section 20102(a) of the Violent Crime Control and  
 8 Law Enforcement Act of 1994 (42 U.S.C. 13702(a)) is  
 9 amended—

10           (1) in paragraph (2) by striking “and” at the  
 11           end;

12           (2) in paragraph (3) by striking the period at  
 13           the end and inserting “; and”; and

14           (3) by adding at the end the following new  
 15           paragraph:

16           “(4) to carry out any activity referred to in sec-  
 17           tion 2976(b) of the Omnibus Crime Control and  
 18           Safe Streets Act of 1968 (42 U.S.C. 3797w(b)).”.

19 **SEC. 10. IMPROVEMENT OF THE RESIDENTIAL SUBSTANCE**  
 20 **ABUSE TREATMENT FOR STATE PRISONERS**  
 21 **PROGRAM.**

22           (a) DEFINITION.—Section 1902 of the Omnibus  
 23 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
 24 3796ff–1) is amended by redesignating subsections (c)  
 25 through (f) as subsections (d) through (g), respectively,

1 and by inserting after subsection (b) the following new  
2 subsection:

3 “(c) RESIDENTIAL SUBSTANCE ABUSE TREAT-  
4 MENT.—The term ‘residential substance abuse treatment’  
5 means a course of individual and group activities and  
6 treatment, lasting at least 6 months, in residential treat-  
7 ment facilities set apart from the general prison popu-  
8 lation.”.

9 (b) REQUIREMENT FOR AFTER CARE COMPONENT.—  
10 Section 1902 of such Act is further amended in subsection  
11 (d) (as redesignated by subsection (a)) is amended—

12 (1) in the subsection heading, by striking “ELI-  
13 GIBILITY FOR PREFERENCE WITH AFTER CARE  
14 COMPONENT” and inserting “REQUIREMENT FOR  
15 AFTER CARE COMPONENT”;

16 (2) by amending paragraph (1) to read as fol-  
17 lows:

18 “(1) To be eligible for funding under this part,  
19 a State must ensure that individuals who participate  
20 in the substance abuse treatment program estab-  
21 lished or implemented with assistance provided  
22 under this part will be provided with aftercare serv-  
23 ices.”; and

24 (3) by adding at the end the following new  
25 paragraph:

1           “(4) Aftercare services required by this sub-  
2           section shall be funded by the funding provided in  
3           this part.”.

4   **SEC. 11. RESIDENTIAL DRUG ABUSE PROGRAM IN FEDERAL**  
5           **PRISONS.**

6           Section 3621(e)(5)(A) of title 18, United States  
7   Code, is amended by striking “means a course of” and  
8   all that follows through the semicolon at the end and in-  
9   serting the following: “means a course of individual and  
10   group activities and treatment, lasting at least 6 months,  
11   in residential treatment facilities set apart from the gen-  
12   eral prison population;”.

13   **SEC. 12. TECHNICAL AMENDMENT TO DRUG-FREE STU-**  
14           **DENT LOANS PROVISION TO ENSURE THAT IT**  
15           **APPLIES ONLY TO OFFENSES COMMITTED**  
16           **WHILE RECEIVING FEDERAL AID.**

17           Section 484(r)(1) of the Higher Education Act of  
18   1965 (20 U.S.C. 1091(r)(1)) is amended by striking “A  
19   student” and all that follows through “table:” and insert-  
20   ing the following: “A student who is convicted of any of-  
21   fense under any Federal or State law involving the posses-  
22   sion or sale of a controlled substance for conduct that oc-  
23   curred during a period of enrollment for which the student  
24   was receiving any grant, loan, or work assistance under  
25   this title shall not be eligible to receive any grant, loan,

1 or work assistance under this title from the date of that  
2 conviction for the period of time specified in the following  
3 table:”.

4 **SEC. 13. MENTORING GRANTS TO NONPROFIT ORGANIZA-**  
5 **TIONS.**

6 (a) **AUTHORITY TO MAKE GRANTS.**—From amounts  
7 made available to carry out this section, the Attorney Gen-  
8 eral in collaboration with the Department of Labor shall  
9 make grants to nonprofit organizations for the purpose of  
10 providing mentoring and other transitional services essen-  
11 tial to reintegrating ex-offenders.

12 (b) **USE OF FUNDS.**—Funds for the mentoring  
13 grants may be expended for—

14 (1) mentoring of adult and juvenile offenders  
15 during incarceration, through transition back to the  
16 community and post release; and

17 (2) transitional services to assist in the re-  
18 integration of ex-offenders into the community.

19 (c) **APPLICATION.**—To apply for a grant under this  
20 section, a nonprofit organization shall submit an applica-  
21 tion to the Attorney General based on criteria developed  
22 by the Attorney General in consultation with the Secretary  
23 of Labor and the Secretary of Housing and Urban Devel-  
24 opment.

1 (d) STRATEGIC PERFORMANCE OUTCOMES.—The At-  
 2 torney General shall require each applicant to identify spe-  
 3 cific performance outcomes related to the long-term goal  
 4 of stabilizing communities by reducing recidivism and re-  
 5 integrating ex-offenders into society.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
 7 are authorized to be appropriated to carry out this section  
 8 \$15,000,000 for each of fiscal years 2006 and 2007.

9 **SEC. 14. CARLIE’S LAW.**

10 (a) PROBATION.—Section 3565(b) of title 18, United  
 11 States Code, is amended—

12 (1) by striking “or” at the end of paragraph  
 13 (3); and

14 (2) by inserting after paragraph (4) the fol-  
 15 lowing:

16 “(5) commits a crime of violence against, or an  
 17 offense that consists of or is intended to facilitate  
 18 unlawful sexual contact (as defined in section 2246)  
 19 with, a person who has not attained the age of 16  
 20 years;”.

21 (b) SUPERVISED RELEASE.—Section 3583(g) of title  
 22 18, United States Code, is amended—

23 (1) by striking “or” at the end of paragraph  
 24 (3); and

1           (2) by inserting after paragraph (4) the fol-  
2       lowing:

3           “(5) commits a crime of violence against, or an  
4       offense that consists of or is intended to facilitate  
5       unlawful sexual contact (as defined in section 2246)  
6       with, a person who has not attained the age of 16  
7       years;”.

○